

City of Charlotte

*Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202*



Meeting Agenda

Monday, February 14, 2022

Council Chamber

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Julie Eiselt

Council Member Dimple Ajmera

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Larken Egleston

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member Greg Phipps

Council Member Matt Newton

Council Member Victoria Watlington

Council Member Braxton Winston II

5:00 P.M. CITY COUNCIL ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

This meeting will also be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[Council Meeting QAs - January 24, 2022](#)

[Council Follow-Up February 7, 2022](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Charlotte Future 2040 Policy Map Update

Staff Resource(s):

Alysia Osborne, Planning, Design, and Development

Time: Presentation - 15 minutes; Discussion - 20 minutes

Explanation

- Provide an update on the Charlotte Future 2040 Policy Map process and schedule.

City Ordinances Update

Staff Resource(s):

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

Time: Presentation - 20 minutes; Discussion - 30 minutes

Explanation

- Provide an update on proposed revisions to the City of Charlotte Code of Ordinances.

[Charlotte Future 2040 Policy Map Update](#)

[City Code Update](#)

[City Code Update - Ch 2 Art II General Penalty revised](#)

[City Code Update - Table of Ordinances](#)

4. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
COUNCIL CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

- 5. Consent agenda items 23 through 43 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

- A. Items that have not been pulled, and
- B. Items with residents signed up to speak to the item.

PUBLIC HEARING

6. Public Hearing on a Resolution to Close Ormand Court off Sloan Street

Action:

- A. Conduct a public hearing to close Ormand Court off Sloan Street, and
- B. Adopt a resolution and close Ormand Court off Sloan Street.

Staff Resource(s):

Liz Babson, Transportation
Debbie Smith, Transportation
Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from the public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 1.

Petitioner

Northwood Ravin

Right-of-Way to be Abandoned

Ormand Court off Sloan Street

Reason

Per the petition submitted by Northwood Ravin, the abandonment is a part of the redevelopment of the site for multi-family development. The City has no objections.

Notification

As part of the City's notification process, and in compliance with NC General Statute Section 160A-299, CDOT submitted this abandonment petition for review by the public and City departments.

Adjoining property owner(s)

Crosland Greens, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[2021-24A Ormand Ct Abandonment Map](#)

[2021-24A Resolution to Close 02.14.2022](#)

POLICY

7. City Manager's Report

[02.14.22 City Manager's Memo](#)

BUSINESS

8. Recommended Uses for Coronavirus Relief Funds

Action:

Authorize the City Manager to negotiate and execute any necessary contracts and agreements related to the Coronavirus State and Local Fiscal Recovery Fund provided by the American Rescue Plan Act of 2021, for the following investment recommendations:

- A. Up to \$14 million for small business, workforce, and hospitality support:**
- Up to \$2.5 million for a Small Business Partner Support Program,
 - Up to \$2.5 million for a Small Business Innovation Grant Program,
 - Up to \$3.0 million to implement recommendations associated with the Employment Study for the City's Corridors of Opportunity,
 - Up to \$500,000 for the Renewable Energy and Energy Efficiency Training Program,
 - Up to \$1.5 million for a Workforce Partner Support Program,
 - Up to \$4.0 million for the Charlotte Regional Visitors Authority for Hospitality Sector Support,
- B. Up to \$3.5 million for non-profit operating grants, and**
- C. Up to \$1.5 million in operating support for a local foods production and distribution facility.**

Staff Resource(s):

Shawn Heath, City Manager's Office
Tracy Dodson, City Manager's Office
Teresa Smith, Finance

Background

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA).
- ARPA included the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), which provided \$130 billion in direct assistance for local governments to be used to mitigate the fiscal effects stemming from the COVID-19 public health emergency.
- The SLFRF provides direct payments to metropolitan cities and counties; Charlotte was one of the 990 cities across the nation that met the criteria.
- The U.S. Treasury Department is releasing SLFRF funding to local governments in two equal installments. Charlotte received its first installment of approximately \$71 million in May 2021, with the second installment expected in May 2022.
- Funds from the SLFRF may only be used to cover costs incurred by December 31, 2024, for the following purposes:
 - to respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible city employees who are performing such essential work or by providing grants to eligible employers that have eligible workers who perform essential work;
 - for the provision of government services to the extent of the reduction in revenue in the city's budget due to the COVID-19 public health emergency relative to revenues collected in Fiscal Year 2019; and
 - to make necessary investments in water, sewer, or broadband infrastructure.
- The proposed uses in this Request for Council Action are to respond to the negative economic impacts of the COVID-19 public health emergency and have been reviewed for compliance with the U.S. Treasury Department's Interim Final Rule regulating allowable uses of SLFRF funds.

Explanation

- These actions authorize the City Manager to negotiate and execute any necessary contracts or agreements for the following recommended allocations of SLFRF funding provided by the American Rescue Plan Act of 2021:
 - Up to \$2.5 million for a Small Business Partner Support Program,
 - This was a successful program first implemented utilizing Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding.
 - Up to \$2.5 million for a Small Business Innovation Grant Program,
 - This was a successful program first implemented utilizing CARES Act funding.
 - Up to \$3 million to implement recommendations associated with the Employment Study for the City’s Corridors of Opportunity,
 - This work supports the City’s emphasis on training and job placement in the Corridors of Opportunity.
 - Up to \$500,000 for the Renewable Energy and Energy Efficiency Training Program,
 - This program aligns with Charlotte’s efforts to increase green employment skills for individuals with barriers to career success.
 - Up to \$1.5 million for a Workforce Partner Support Program,
 - This was a successful program first implemented utilizing CARES Act funding. The funding will focus on capacity building for workforce and educational partners with a track record of successful training and upscaling initiatives.
 - Up to \$4 million for the Charlotte Regional Visitors Authority (CRVA) for Hospitality Sector Support,
 - This funding will support CRVA programming designed to spur tourism, hospitality industry stabilization, and job creation.
 - Up to \$3.5 million for non-profit operating grants,
 - Funding to be allocated as follows:
 - Approximately \$1 million for small, grassroots non-profit organizations, and
 - Approximately \$2.5 million for medium and large non-profit organizations.
 - Charlotte will rely on administrative partner(s) to receive and review grant applications and disburse funds on a competitive basis to eligible non-profits.
 - Investment priority areas include:
 - Housing and Neighborhoods,
 - Equity and Inclusion, and
 - Environment.
 - Up to \$1.5 million in operating support for a local foods production and distribution facility.
 - Funding will be released based on the project achieving objective milestones, including receipt of construction permit and issuance of a Certificate of Occupancy for the facility.

Fiscal Note

Funding: ARPA funds

Attachment(s)

February 7, 2022, Strategy Session Presentation

[2.7 Strategy Session Presentation COVID-19 Federal Stimulus Update](#)

9. Conveyance of City-Owned Properties for the Development of Affordable Housing

Action:

Authorize the City Manager and staff to work with recommended affordable housing developers to finalize preliminary affordable housing proposals and negotiate conveyance of four vacant City-owned properties for the development of affordable housing, as follows:

- 11217 Providence Road West (parcel identification number 223-132-40) conveyance to Crosland Southeast,
- 1654 Newland Road (parcel identification number 077-061-13) conveyance to Habitat for Humanity of the Charlotte Region,
- 7605 University City Boulevard (parcel identification number 049-241-15) conveyance to DreamKey Partners and Conifer Realty, and
- 7204/7202 South Boulevard (parcel identification number 205-173-03) conveyance to The NRP Group.

Staff Resource(s):

Shawn Heath, City Manager's Office

Rebecca Hefner, Housing and Neighborhood Services

Phil Reiger, General Services

Explanation

- The City currently owns four properties identified as suitable for affordable housing developments and for which development proposals have been received and evaluated by staff in response to a November 9, 2021 request for proposal (RFP). The properties and a summary of the recommended developers is as follows.
 - Providence Road West
 - Parcel Identification Number (PID): 223-132-40
 - Council District: 7
 - Appraisal: An appraisal of the property completed in January 2021 established a fair market value of \$1,000,000.
 - Recommended Developer: Crosland Southeast
 - Development Type: Multi-family rental development
 - Conveyance Method: Long-term ground lease from the City
 - Newland Road
 - PID: 077-061-13
 - Council District: 2
 - Appraisal: An appraisal of the property completed in December 2020 established a fair market value of \$90,000.
 - Recommended Developer: Habitat for Humanity of the Charlotte Region
 - Development Type: Single-family, for-sale townhome development
 - Conveyance Method: Fee simple warranty deed
 - University City Boulevard
 - PID: 049-241-15
 - Council District: 4
 - Appraisal: An appraisal of the property completed in November 2020 established a fair market value of \$1,360,000.
 - Recommended Developer: DreamKey Partners and Conifer Realty
 - Development Type: Multi-family rental development
 - Conveyance Method: Long-term ground lease from the City
 - South Boulevard
 - Parcel Number: 205-173-03
 - Council District: 3
 - Appraisal: An appraisal of the property completed in February 2021 established a

- fair market value of \$1,075,000.
- Recommended Developer: The NRP Group
- Development Type: Multi-family rental development
- Conveyance Method: Long-term ground lease from the City
- The recommended developers and proposed preliminary developments are best qualified to maximize affordable housing opportunities and to meet the City's affordable housing goals.
- The conveyance of the properties to the recommended developers will be conditioned upon the developers finalizing their project plans to the satisfaction of the City including the identification and commitment of all necessary funding needed to finance the projects. Once complete, the final Resolutions to convey the properties will be brought before Council for consideration and adoption.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends leveraging City-owned land and expanding the supply of high-quality affordable housing by building new affordable housing and preserving existing affordable housing.
- The use of City-owned land allows for additional leveraging of local housing resources such as the Housing Trust Fund. This strategy is a best practice used across the country to assist in expanding the supply of affordable housing and is consistent with the Council approved Housing Framework, City-Owned Real Estate and Facilities Policy, and the Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.
- On June 14, 2021, Council received a briefing on six vacant properties identified as appropriate for affordable housing development. The six properties included North Wendover Road, Providence Road West, Newland Road, University City Boulevard, South Boulevard, and Archdale Drive.
- In response to the subsequent November 9, 2021 RFP, 14 development proposals were received for five of the vacant properties referenced above. Council received a briefing on the recommended preliminary proposals on February 7, 2022.

Attachment(s)

Maps

[ProvidenceRdW 223-132-40](#)[NewlandRd 077-061-13](#)[UniversityCityBv 049-241-15](#)[SouthBlvd 205-173-03](#)

10. Sale of City-Owned Property on Dixie River Road

Action:

- A. Adopt a resolution accepting the highest qualifying bid to purchase a portion of land containing approximately 0.857 of an acre for future right-of-way improvements and a temporary grading easement from the 130-acre City-owned parcel (parcel identification number 113-291-02) located along Dixie River Road, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.**

Staff Resource(s):

Phil Reiger, General Services
Gregory Crawford, General Services
Angela Charles, Charlotte Water

Explanation

- City Council authorized the sale of property in Council District 3 as described in the resolution dated December 13, 2021, by negotiated offer, advertisement, and upset bids.
- The City Clerk caused a notice of the proposed sale to be published in the Mecklenburg Times on December 21, 2021.
- After publication on December 21, 2021, no upset bids were made within the 10 days after such notice of sale was published, and Crescent River District, LLC, became the highest and final bidder at a price of \$22,125.
- This action is consistent with City Council's adopted City-Owned Real Estate and Facilities Policy and Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.

Fiscal Note

Funding: Proceeds from the sale will be deposited the Charlotte Water Operating budget.

Attachment(s)

Map
Resolution

[Map Sale of City-Owned Property on Dixie River Road.pdf](#)

[Resolution Accepting Offer](#)

11. Appropriate Private Developer Funds for the Brown-Grier Road Widening Project

Action:

Adopt a budget ordinance appropriating \$915,000 in private developer funds from Pringle Square, LLC for the Brown-Grier Road Widening project to the General Capital Projects Fund.

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Veronica Wallace, General Services

Explanation

- This action appropriates \$915,000 in private developer contributions for roadway improvements for the Brown-Grier Road widening project, located in Council District 3.
- These improvements are required by the City's zoning requirements. The private developer is providing funds to the City for the City to make these improvements on behalf of the developer.
- These funds must be appropriated prior to the City's initiation of construction.
- NC General Statute Section 160A-309 authorizes the City to contract with a developer or property owner for public improvements that are adjacent or ancillary to a private land development project when the City determines that coordination of separately constructed public improvements would be impracticable.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map

Budget Ordinance

[Map Appropriate Private Developer Funds for the Brown-Grier Road Widening Project](#)

[Budget Ordinance - Brown-Grier Road](#)

12. Nominations to the Bicycle Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending December 31, 2024.
 - Jaime Emmanuelli has resigned.

Attachment(s)

Bicycle Advisory Committee Applications

13. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023.
 - Domenico Santilli is eligible but not interested in reappointment.

Attachment(s)

Business Advisory Committee Applications

14. Nominations to the Charlotte Business INclusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for two-year terms beginning March 1, 2022, and ending February 28, 2024.
 - Vernetta Mitchell is eligible and interested in reappointment.
 - Stephanie Moore Hand is eligible and interested in reappointment.
- One appointment for a two-year term for an At-Large representative of a Prime Construction Company beginning March 1, 2022, and ending February 28, 2024.
 - Stephanie Adler is eligible but not interested in reappointment.
- One appointment for a two-year term recommended by the Black Chamber of Commerce beginning March 1, 2022, and ending February 28, 2024.
 - Harrison Williams is eligible and interested in reappointment.
- One appointment for a two-year term recommended by the Carolinas Asian-American Chamber of Commerce beginning March 1, 2022, and ending February 28, 2024.
 - Alex Bui is eligible and interested in reappointment.
- One appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
 - Sandra Velez did not meet attendance requirement and is ineligible for reappointment.
- One appointment for a two-year term recommended by the Latin American Chamber of Commerce beginning March 1, 2022, and ending February 28, 2024.
 - Griselda Bailey is eligible and interested in reappointment.
- One appointment for a two-year term recommended by the Metrolina Minority Contractors Association beginning March 1, 2022, and ending February 28, 2024.
 - Valerie Del is eligible and interested in reappointment.
- One appointment for a two-year term recommended by the Metrolina Native American Association beginning March 1, 2022, and ending February 28, 2024.
 - Jessie Jacobs has resigned.

Attachment(s)

Charlotte Business INclusion Advisory Committee Applications

15. Nominations to the Charlotte International Cabinet

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2024.
 - Elyas Mohammad has resigned.

Attachment(s)

Charlotte International Cabinet Applications

16. Nominations to the Citizens Review Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending July 31, 2024.
 - Tom Bowers has resigned.

Attachment(s)

Citizens Review Board Applications

17. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning March 9, 2022, and ending March 8, 2024.
 - Gregory Jackson did not meet attendance requirements.

Attachment(s)

Community Relations Committee Applications

18. Nominations to the Domestic Violence Advisory Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending September 21, 2022.
 - Patricia Wiley has resigned.

Attachment(s)

Domestic Violence Advisory Board Applications

19. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending December 31, 2023.
 - James Jordan has resigned.

Attachment(s)

Historic District Commission Applications

20. Nominations to the Historic Landmarks Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 16, 2023.
 - Leila Farsiani has resigned.

Attachment(s)

Historic Landmark Commission Applications

21. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a representative of the hospitality/tourism industry for a three-year term beginning upon appointment and ending June 30, 2024.
 - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

Attachment(s)

Passenger Vehicle for Hire Board Applications

22. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term in the vanpool rider category beginning February 1, 2022, and ending January 31, 2025.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

CONSENT

23. Tasers, Body Cameras, and Related Equipment and Services

Action:

- A. Approve a contract with Axon Enterprise Inc. for an initial term of five years:**
- To provide hardware, software, licenses, services, storage, and ongoing maintenance for the implementation and support for body worn cameras, and
 - For the unit price purchase of tasers and related products,
- B. Authorize the City Manager to renew the contract for up to five, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- C. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.**

Staff Resource(s):

Johnny Jennings, Police

Michael Harris, Police

Crystal Cody, Innovation and Technology

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) continues to leverage technology to support core missions of safety, accountability, transparency, and optimizing efficiencies.
- The use of body worn cameras has proven to be an effective way to capture interactions between police officers and citizens. The technology allows the capture of video from the officer's point of view and provides greater visibility of activities.
- CMPD currently has approximately 3,500 cameras to equip on and off-duty personnel.
- Tasers are used to restrain violent individuals when alternative restraint tactics fail, are reasonably likely to fail, and/or where it would be unsafe for officers to approach a subject to apply restraints.
- CMPD's current tasers will be unsupported in early Fiscal Year 2023 and must be replaced in order to keep a supported, less-lethal weapon for use by officers. Approximately 1,750 tasers will be replaced.
- On May 18, 2021, the City issued a Request for Proposals (RFP) on behalf of the Charlotte Cooperative Purchasing Alliance; three responses were received.
- Axon Enterprise Inc. best meets the City's needs in terms of qualifications, experience, cost, responsiveness, and system configuration to RFP requirements.
- This action will provide two replacements of body worn cameras and docks over the five-year period. Newer versions of the cameras have better video, audio, and software services.
- Additional software is included in the officer safety program to assist with video audits, redaction, and transcription to aid in the overall management of the body worn camera program.
- This action will also provide upgraded tasers with an expected lifespan of five years and the option to replace the tasers in the optional year six of the agreement at no additional cost.
- Annual aggregate expenditures are estimated to be \$4,231,500.
 - \$2,758,100 for body worn cameras, and
 - \$1,473,400 for tasers and related products.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

This contract meet the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Police Operating Budget and General Capital Investment Plan

24. Fire Mobile Command Post Incident Management Vehicle**Action:**

- A. Approve the purchase of a Mobile Command Post Incident Management Vehicle from a cooperative contract,**
- B. Approve a unit price contract with LDV Specialty Vehicles for the purchase of Mobile Command Incident Management Vehicle for the term of one year under HGAC contract #AM10-20, and**
- C. Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Reginald Johnson, Fire

Damian Owens, Fire

Robert Graham, Fire

Explanation

- The Charlotte Fire Department (CFD) will purchase a Mobile Command Post Incident Management Vehicle, which is a 40-foot Mobile Command Center on a 54,000-pound diesel cab chassis.
- The Mobile Command Post Vehicle will provide rapid and robust on-site incident command capability for a variety of potential events including natural disasters, terrorist attacks, or active shooter events.
- Currently, the Charlotte Urban Area Security Initiative region lacks a rapidly deployable vehicle capable of providing an on-site mobile command post for various threats and hazards.
- NC General Statute Section 143-129(e) (3) authorizes local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- On October 1, 2020, the Houston-Galveston Area Council approved a contract with LDV, INC Ambulances, EMS, and Other Special Services (HGAC contract #AM10-20), which is valid through September 22, 2022.
- Expenditures are estimated to be \$926,500.

Charlotte Business INclusion

This is cooperative purchasing contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Grants Fund and General Capital Equipment Fund

25. Firefighting Foam Concentrate

Action:

- A. **Approve the purchase of firefighting foam concentrate by the sole source exemption,**
- B. **Approve a contract with Buckeye Fire Equipment Company for the purchase of firefighting foam concentrate for a term of two years, and**
- C. **Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reginald Johnson, Fire

Damian Owens, Fire

Sole Source Exemption

- NC General Statute Section 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because maintaining standardization is necessary with current inventory and equipment.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- Firefighting foam concentrate is used to extinguish class B flammable liquid fires and to apply vapor suppressing blankets at flammable liquid spills.
- Firefighting foam concentrate is carried on all Charlotte Fire Department engines, ladders, tankers, and several specialized units.
- Annual expenditures are estimated to be \$75,000.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Fire Operating Budget

26. Reflective Traffic Sign Materials

Action:

- A. Approve the purchase of reflective traffic sign materials by the sole source exemption,
- B. Approve a contract with 3M Company for the purchase of reflective traffic sign materials for the term of three years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments, and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Liz Babson, Transportation
Debbie Smith, Transportation
David Smith, Transportation

Sole Source Exemption

- NC General Statute Section 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because there is only one supply source.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- The Charlotte Department of Transportation (CDOT) maintains over 200,000 signs within the City limits and installs approximately 4,000 new and replacement signs each year.
- CDOT fabricates traffic signs in-house, including but not limited to, stop signs, speed limit signs, and street name markers. Reflective traffic sign material is one of the materials needed in the production of signs.
- The use of reflective traffic sign material is necessary to meet federal and state requirements for signs, as it provides better sign visibility especially at night.
- Using consistent materials allows CDOT to standardize sign production, and 3M Company is the only supplier that can provide the reflective materials needed.
- Annual expenditures are estimated to be \$70,000.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Transportation Operating Budget

27. Cross Charlotte Trail Design Services

Action:

Approve a contract in the amount of \$687,257 with VHB Engineering NC, P.C. for design and construction administrative services for the Cross Charlotte Trail Segment 11 - Pavilion Boulevard to Kempsford Drive.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Veronica Wallace, General Services

Explanation

- The Cross Charlotte Trail is a joint project of the City of Charlotte and Mecklenburg County to create over 30 miles of trail and greenway facilities.
- This contract will include design and construction administrative services for the Cross Charlotte Trail Segment 11 (approximately one mile) from Pavilion Boulevard to Kempsford Drive in Council District 4.
- This project will include the trail, bridges, elevated boardwalk, storm drainage, landscaping, erosion control, and traffic control.
- On September 19, 2019, the City issued a Request for Qualifications (RFQ); 30 responses were received.
- VHB Engineering NC, P.C. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In June 2020, the City Manager approved a planning contract with VHB Engineering NC, P.C. in the amount of \$324,970.60.
- City Council will be asked to approve future contracts for real estate acquisition and construction.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy) VHB Engineering NC, P.C. has committed 10.03% or approximately \$68,940 of the total contract for design and construction administrative services to the following firm:

- Capstone Civil Engineering, Inc. (MBE, SBE) (\$61,399) (geotechnical engineering/construction services)
- The Survey Company, Inc. (SBE) (\$7,541) (surveying services)

Fiscal Note

General Capital Investment Plan

Attachment(s)

Map

[Map Cross Charlotte Trail Design Services](#)

28. Clarke Creek Pumping Station and Force Main Design

Action:

- A. **Approve a contract in the amount of \$5,668,010 with State Utility Contractors, Inc. for Design-Build design services for the Clarke Creek Pumping Station and Force Main project, and**
- B. **Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This project will involve construction of sanitary sewer infrastructure to transfer flows from east Mecklenburg County to the McDowell Creek Wastewater Treatment Plant (adjacent to Council District 4).
- The project will require the acquisition of easements for related sanitary sewer infrastructure. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about easement acquisition affecting their property.
- On November 1, 2021, the City issued a Request for Qualifications (RFQ); seven responses were received.
- State Utility Contractors, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- City Council will receive future requests for the approval of additional guaranteed maximum prices for construction once established.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$770,000 or approximately 13.59% of the total contract for Design-Build construction services to the following certified firms:

- CES Group Engineers, LLP (WBE) (\$350,000) (surveying and easement mapping)
- Gulf Coast, LLC (SBE) (\$200,000) (easement acquisition services)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$140,000) (geotechnical services)
- Avioimage Mapping Services, Inc. (SBE) (\$65,000) (aerial surveying and mapping)
- Yellow Duck Marketing, LLC (WBE, SBE) (\$15,000) (public outreach and communication services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Clarke Creek Pumping Station and Force Main Design](#)

29. Consulting Services for Water Projects

Action:

- A. Approve unit price contracts with Freese and Nichols, Inc. for collaborative delivery support services for Charlotte Water and Storm Water Services for an initial term of two years, and**
- B. Authorize the City Manager to renew the contracts for up to two, two-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- These contracts will provide consulting services to assist Charlotte Water and Storm Water Services with collaborative delivery projects.
- Services will include assistance with guaranteed maximum price analysis and negotiations, independent cost estimating, and standardization of internal business processes.
- On October 15, 2021, the City issued a Request for Qualifications (RFQ); one response was received.
- Freese and Nichols, Inc. is qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual aggregate expenditures are estimated to be \$475,000 (\$400,000 for Charlotte Water and \$75,000 for Storm Water Services).

Charlotte Business INClusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Freese and Nichols, Inc. has identified the following certified firm to be utilized as the project evolves:

- Facilitator One, LLC (MBE, SBE) (project coordination)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Storm Water Capital Investment Plan

30. Industrial Pretreatment Information Management Software

Action:

- A. **Approve a contract with SwiftComply US OpCo, Inc. to provide, implement, and maintain an industrial pretreatment software application,**
- B. **Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.**

Staff Resource(s):

Angela Charles, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- This contract will provide a software application for monitoring wastewater discharges from industrial and commercial sources to maintain regulatory compliance.
- The current software application is more than ten years old, has limited vendor support, and cannot provide the functionality to meet future Environmental Protection Agency requirements.
- On June 22, 2021, the City issued a Request for Proposals (RFP); four responses were received.
- SwiftComply US OpCo, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$55,000.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

This contract meet the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Charlotte Water Operating Budget

31. Stowe Regional Water Resource Recovery Facility Equipment

Action:

Approve a guaranteed maximum price of \$15,869,000 to Crowder/Garney JV for the purchase of equipment needed for Design-Build construction services for the Stowe Regional Water Resource Recovery Facility project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- Crowder/Garney JV has developed a guaranteed maximum price (GMP) for the purchase of equipment required for construction of the Stowe Regional Water Resource Recovery Facility (SRWRRF) project (adjacent to Council Districts 2 and 3).
- The SRWRRF will treat flows from the existing Long Creek basin and flows from the cities of Mount Holly and Belmont.
- On April 27, 2020, City Council approved a contract for \$6,911,323 with Crowder/Garney JV for the first phase of Design-Build design services. Crowder/Garney JV evaluated and assisted Charlotte Water in selecting specific design options.
- On January 25, 2021, City Council approved an amendment for \$24,504,784 for the final phase of Design-Build design services. Crowder/Garney JV provided detailed design services.
- City Council will receive future requests for the approval of remaining construction related GMPs once established. The SRWRRF is estimated to be in operation by second quarter 2026.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy). This contract is solely for the purchase of equipment and therefore does not have subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Stowe Regional Water Resource Recovery Facility Equipment](#)

32. Insurance Broker Services

Action:

- A. Approve a contract with Alliant Insurance Services, Inc. for insurance broker services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Teresa Smith, Finance

Betty Coulter, Finance

Explanation

- Risk Management provides insurance and risk management services through an interlocal agreement with the City, Mecklenburg County, and the Charlotte-Mecklenburg Schools (CMS) Board of Education. The interlocal agreement divides risk management administrative costs three ways based on total costs:
 - City pays 55 percent,
 - Mecklenburg County pays 25 percent, and
 - CMS Board of Education pays 20 percent.
- Risk Management purchases approximately \$19 million in various insurance coverages each year.
- Alliant Insurance Services, Inc. will provide insurance broker services, including:
 - The placement of appropriate insurance policies to cover numerous risks and liabilities;
 - Management of the insurance components of the City, Mecklenburg County, and CMS Board of Education; and
 - Assistance with the management of the total cost of risks related to the program.
- On November 8, 2021, the City issued a Request for Proposals (RFP); six responses were received.
- Alliant Insurance Services, Inc. best meets the City's needs in terms of high-level of customer service, extensive experience, advanced technology, and responsiveness to RFP requirements.
- Alliant Insurance Services, Inc. will be paid on a commission percentage basis. Annual expenditures are estimated to be \$1.2 million. Performance measures are included for possible premium savings.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part C: Section 2.1 (a) The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWSBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Risk Management Operating Fund

33. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$57,669.55.

Staff Resource(s):

Teresa Smith, Finance

Explanation

- Mecklenburg County notified and provided the City with the list of Property Tax refunds due to clerical or assessment error.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers \(revised\)](#)

[Resolution](#)

PROPERTY TRANSACTIONS

34. Charlotte Water Property Transactions - Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #28

Action: Approve the following Condemnation: Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #28

Project: Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #28

Owner(s): KT Trading, LLC

Property Address: 4750 Reagan Drive

Total Parcel Area: 247,229 SF (5.68 ac)

Property to be acquired by Easements: 13,841 sq. ft. (0.32 ac.) in Sanitary Sewer Easement, plus 3,854 sq. ft. (0.09 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-1 (CD)

Use: Industrial

Tax Code: 087-071-03

<https://polaris3g.mecklenburgcountync.gov/#mat=351552&pid=08707103&gisid=08707103>

Appraised Value: \$20,600

Property Owner's Concerns: The property owner is concerned about the amount of compensation offered.

City's Response to Property Owner's Concerns: The City informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

35. Charlotte Water Property Transactions - Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #32

Action: Approve the following Condemnation: Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #32

Project: Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #32

Owner(s): Ameritruck Real Estate Holdings, LLC

Property Address: 4725 Equipment Drive

Total Parcel Area: 156,861 SF (3.60 ac)

Property to be acquired by Easements: 14,197 sq. ft. (0.33 ac.) in Sanitary Sewer Easement, plus 20,199 sq. ft. (0.46 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: 120 SF of 8-inch reinforced concrete block

Landscaping to be impacted: Four crepe myrtle trees

Zoned: B-2

Use: Commercial

Tax Code: 045-061-01

<https://polaris3g.mecklenburgcountync.gov/#mat=136130&pid=04506101&qisid=04506101>

Appraised Value: \$90,075

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property.

City's Response to Property Owner's Concerns: The City was able to redesign to accommodate some of the property owner's design requests.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

36. Charlotte Water Property Transactions - Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #2

Action: Approve the following Acquisition: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #2

Project: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #2

Owner(s): Thomas T. Bryant and Lisa Bryant

Property Address: 1608 Lombardy Circle

Total Parcel Area: 4,360 SF

Property to be acquired by Easements: 534 sq. ft. (0.112 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Town House SFR

Parcel Identification Number(s): 153-021-39
<https://polaris3g.mecklenburgcountync.gov/#mat=552332&pid=15302139&qisid=15302139>

Purchase Price: \$14,950

Council District: 1

37. Property Transactions - Dixie River Road WM Extension, parcel #37

Action: Approve the following Acquisition: Dixie River Road WM Extension, parcel #37

Project: Dixie River Road WM Extension, parcel #37

Program: Dixie River Road WM Extension

Owner(s): Kris K Frost

Property Address: 6811 Dixie River Road

Total Parcel Area: 262,908 sq. ft. (6.04 ac.)

Property to be acquired by Easements: 3,794 sq. ft. (0.087 ac.) Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single-family Residential

Tax Code: 113-211-05

<https://polaris3g.mecklenburgcountync.gov/#mat=176992&pid=11321105&qisid=11321105>

Purchase Price: \$15,000

Council District: Adjacent to Council District 3

38. Property Transactions - Monroe Road Streetscape, Parcel #47

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #47

Project: Monroe Road Streetscape, Parcel #47

Program: Monroe Road Streetscape

Owner(s): Larry C. Graves and Christine B. Graves

Property Address: 4830 Monroe Road

Total Parcel Area: 16,894 sq. ft. (0.39 ac.)

Property to be acquired by Easements: 76 sq. ft. (0.002 ac.) Storm Drainage Easement, 807 sq. ft. (0.019 ac.) Sidewalk Utility Easement, 946 sq. ft. (0.022 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees and various plantings

Zoned: O-2

Use: Office District

Tax Code: 161-081-01

<https://polaris3g.mecklenburgcountync.gov/#mat=137869&pid=16108101&qisid=16108101>

Purchase Price: \$25,275

Council District: 5

39. Property Transactions - Monroe Road Streetscape, Parcel #48

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #48

Project: Monroe Road Streetscape, Parcel #48

Program: Monroe Road Streetscape

Owner(s): John Richard Joyce and Rachel Stone Joyce

Property Address: 4836 Monroe Road

Total Parcel Area: 14,253 sq. ft. (0.33 ac.)

Property to be acquired by Easements: 1099 sq. ft. (0.025 ac.) Sidewalk Utility Easement, 1266 sq. ft. (0.029 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Shrubs

Zoned: O-2

Use: Office District

Tax Code: 161-081-23

<https://polaris3g.mecklenburgcountync.gov/#mat=138012&pid=16108123&qisid=16108123>

Purchase Price: \$21,100

Council District: 5

40. Property Transactions - Monroe Road Streetscape, Parcel #59

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #59

Project: Monroe Road Streetscape, Parcel #59

Program: Monroe Road Streetscape

Owner(s): James R. Miller and Trang T. Miller

Property Address: 5014 Monroe Road

Total Parcel Area: 16,547 sq. ft. (0.38 ac.)

Property to be acquired by Easements: 100 sq. ft. (0.002 ac.) Storm Drainage Easement, 1,284 sq. ft. (0.029 ac.) Sidewalk Utility Easement, 1,025 sq. ft. (0.024 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: B-1(CD)

Use: Business

Tax Code: 161-081-13

<https://polaris3g.mecklenburgcountync.gov/#mat=140875&pid=16108113&gisid=16108113>

Purchase Price: \$32,200

Council District: 5

41. Property Transactions - Parkwood Avenue Streetscape, Parcel #10

Action: Approve the following Acquisition: Parkwood Avenue Streetscape, Parcel #10

Project: Parkwood Avenue Streetscape, Parcel #10

Program: Parkwood Avenue Streetscape

Owner(s): Kyle and Meggan Short

Property Address: 401 East 15th Street

Total Parcel Area: 9,038 sq. ft. (0.21 ac.)

Property to be acquired by Easements: 1,426 sq. ft. (0.033 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented Development - Neighborhood Center

Tax Code: 081-061-01

<https://polaris3g.mecklenburgcountync.gov/#mat=120287&pid=08106101&qisid=08106101>

Purchase Price: \$65,000

Council District: 1

42. Property Transactions - XCLT Orr Road to Rocky River Road, Parcel #19

Action: Approve the following Condemnation: XCLT Orr Road to Rocky River Road, Parcel #19

Project: XCLT Orr Road to Rocky River Road, Parcel #19

Program: XCLT Orr Road to Rocky River Road

Owner(s): Malcolm B. Blakenship, Jr. and Frances Ann Blankenship, Malcolm B. Blankenship III., Benjamin H. Blakenship, Ann Elizabeth B. Clark, Martha Ellen B. Ebert

Property Address: 6607 Old Concord Road

Total Parcel Area: 842,591 sq. ft. (19.34 ac.)

Property to be acquired by Easements: 10,959 sq. ft. (0.252 ac.) Greenway Easement, 6,760 sq. ft. (0.155 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-6(CD)

Use: Single-family Residential

Tax Code: 049-032-08

<https://polaris3g.mecklenburgcountync.gov/#mat=172757&pid=04903208&gisid=04903208>

Appraisal Value: \$13,200

Property Owner's Concerns: The property owner is concerned about the design of the project, the potential impacts to the property and the amount of compensation offered.

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

43. Property Transactions - XCLT Orr Road to Rocky River Road, Parcel #20 and 21

Action: Approve the following Condemnation: XCLT Orr Road to Rocky River Road, Parcel #20 and 21

Project: XCLT Orr Road to Rocky River Road, Parcel #20 and 21

Program: XCLT Orr Road to Rocky River Road

Owner(s): Malcolm B. Blankenship, III, Benjamin H. Blankenship, Ann Elizabeth Blankenship, Frances Ann Blankenship, Malcolm B. Blankenship, Jr and Martha Ellen Blankenship

Property Address: 6150 McDaniel Road and Johnston Road

Total Parcel Area: 4,268,774 sq. ft. (97.99 ac.)

Property to be acquired by Easements: 83,483 sq. ft. (1.917 ac.) Greenway Easement, 54,239 sq. ft. (1.25 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3, R-4

Use: Single-family Residential

Tax Code: 049-061-01, 049-131-01

<https://polaris3g.mecklenburgcountync.gov/#mat=292108&pid=04906101&qisid=04906101>

<https://polaris3g.mecklenburgcountync.gov/#pid=04913101&qisid=04913101>

Appraisal Value: \$69,525

Property Owner's Concerns: The property owner is concerned about the design of the project, the potential impacts to the property and the amount of compensation offered.

City's Response to Property Owner's Concerns: The City explained the rationale of the design and how it meets the objectives for the project and informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

Recommendation: To avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

Adjournment

REFERENCES

44. Reference - Charlotte Business INclusion Policy

The following excerpts from the City of Charlotte's Charlotte Business INclusion Policy are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Policy in the business meeting agenda.

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City department or division competes with Business Enterprises to perform a City function.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate.

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

Interlocal Agreements: Contracts with other units of federal, state, or local government.

Contracts for Legal Services: Contracts for legal services, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the City sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part F: Financial Partners

Part F: Section 4: Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the City's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

45. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leaving voice messages.
- For most condemnation cases, the City and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

46. Reference - Property Transaction Process

Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, the City continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.